

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

TAMIKA R. LAWRENCE, :
Plaintiff, : Case No. 3:09cv00073
vs. : District Judge Walter Herbert Rice
DOUGLAS W. JONES, JR., : Magistrate Judge Sharon L. Ovington
Defendant. :

DECISION AND ENTRY ADOPTING IN FULL THE REPORT AND RECOMMENDATIONS FILED ON MARCH 6, 2009 (Doc. #3); DISMISSING PLAINTIFF'S COMPLAINT; CERTIFYING THAT AN APPEAL OF THIS DECISION AND ENTRY WOULD NOT BE TAKEN IN GOOD FAITH AND, THEREFORE, DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND TERMINATING THE CASE ON THE DOCKET OF THIS COURT

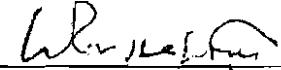
The Court has conducted a *de novo* review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations. It is therefore

ORDERED that:

1. The Report and Recommendations filed on March 6, 2009 (Doc. #3) is **ADOPTED** in full;
2. Plaintiff's Complaint is **DISMISSED**;
3. The Court certifies pursuant to 28 U.S.C. §1915(a) that for the reasons set forth in the Report and Recommendations, an appeal of this Decision and Entry would not be taken in good faith, and consequently, leave for Plaintiff

to appeal *in forma pauperis* is DENIED. Plaintiff – a nonprisoner – remains free to apply to proceed *in forma pauperis* in the United States Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999); and

4. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge